

Service Date: April 21, 1992

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF The Application)	UTILITY DIVISION
by the MONTANA POWER COMPANY for)	
Authority to Increase Rates for)	DOCKET NO. 90.6.39
Natural Gas and Electric Service.)	ORDER NO. 5484u

ORDER DENYING MOTION TO AMEND PROTECTIVE ORDER

BACKGROUND

On January 9, 1992 the Montana Public Service Commission (Commission) received a Motion for Protective Order from Montana Power Company (MPC) seeking to limit access to all material and information submitted by MPC which will be obtained from MPC's subsidiary, Telecommunications Resources, Inc. (TRI) in response to FOF #70, Order No. 5484p in this Docket.

The Commission issued its Protective Order on January 31, 1992, Order No. 5484g, covering the information and material described in the motion throughout the proceedings in Docket No. 90.6.39 and thereafter until release by MPC, or otherwise by operation of the Order.

On April 7, 1992 MPC filed a Motion to Amend Protective Order, Order No. 5484q, "to include the Fogwire Contract among MPC, TRI, and AT&T that was previously submitted in this Docket pursuant to data request MCC 1-127 within the

protection of the Protective Order." MPC's Motion stated that the contract had been submitted previously, but should now be protected because of a possibility of closer scrutiny and wider dissemination in the reserved issues proceeding.

FURTHER FINDINGS AND DISCUSSION

The Commission finds that it cannot amend the Protective Order to include information already disseminated in previous proceedings in this Docket. Further, the Commission finds that the reserved issues proceedings should be more limited and of less general interest. Therefore, there should be less dissemination.

As a practical matter, the Commission cannot protect information that was the subject of previous testimony and has been released by MPC and AT&T.

CONCLUSIONS OF LAW

The Commission exercises jurisdiction over MPC pursuant to Title 69, Chapter 3, Montana Code Annotated (MCA). §§ 69-3-101 and 69-3-102, MCA.

The Commission has general powers to do all things necessary and convenient in the exercise of its jurisdiction pursuant to Title 69. § 69-3-103, MCA.

At its discretion, the Commission may issue a protective order when necessary to preserve trade secrets, as defined in § 30-14-402, MCA, in order to carry out its regulatory functions. § 69-3-105, MCA.

As a matter of law, the Commission cannot protect as trade secret information any documents released or testified on previously in the Docket. MPC waived the trade secret status of any information previously released, disseminated or published.

ORDER

WHEREFORE, THE Montana Public Service Commission hereby denies MPC's April 7, 1992 Motion to Amend Protective Order to include the "Fogwire Contract."

Done and Dated this 13th day of April, 1992 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DANNY OBERG, Chairman

WALLACE W. "WALLY" MERCER, Vice Chairman

BOB ANDERSON, Commissioner

JOHN B. DRISCOLL, Commissioner

TED C. MACY, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.